

Atty. Dkt.: 073169-0261847

### REMARKS

Applicant respectfully requests reconsideration and allowance in view of the foregoing amendments and following remarks. In the Office Action, mailed July 02, 2003, the Examiner rejected claims 1-29. By this amendment, claims 1-5, 10, 14-18 and 23-29 have been amended and new claims 30-32 have been added.. Following entry of these amendments, claims 1-32 will be pending in the application.

#### ***Claim Rejections under 35 U.S.C. §103***

In the Office Action, the Examiner rejected claims 1-29 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,374,952 to Flohr (hereinafter "Flohr") in view of U.S. Patent Application Publication No. 2001/0013890 to Narayanaswami (hereinafter, "Narayanaswami"). Applicant respectfully traverses the rejections of claims 1-29 and notes the following standards for a proper §103(a) rejection.

A §103(a), or obviousness, rejection is proper only when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains." 35 U.S.C. §103(a). The Examiner must make out a *prima facie* case for obviousness. The mere fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness. The *en banc* Federal Circuit has held that "structural similarity between claimed and prior art subject matter, proved by combining references or otherwise, where the prior art gives reason or motivation to make the claimed compositions, creates a *prima facie* case of obviousness." *In re Dillon*, 16 U.S.P.Q. 2d 1897, 1901 (CAFC 1990). The underlying inquiries into the validity of an obvious rejection are: "(1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness." *In re Dembiczak*, 175 F.3d 994, 998, (Fed. Cir. 1999).

Additionally, with hindsight, a claim of obviousness can be an easy one to make. Many inventions seem obvious with the clarity of 20-20 hindsight. However, a hindsight basis for

Atty. Dkt.: 073169-0261847

obviousness is inappropriate and cannot sustain a *prima facie* case of obviousness. Applicant respectfully asserts that the Examiner is judging obviousness of Applicant's invention using impermissible hindsight, and as such, should reconsider the rejections from the proper perspective of the time of Applicant's invention, without the teachings of Applicant's disclosure, or the knowledge that is common in the art today.

Independent Claims 1, 10 and 14

For the reasons stated below and taking into consideration the standards for obviousness presented above, Applicant asserts that one of ordinary skill in the art would not have considered Applicant's inventions obvious at the time of invention and, therefore, that Applicant's rejected independent claims 1, 10 and 14 are not obvious over the prior art of record.

Independent claims 1 recites a communications and data display system for use on a common-protocol wireless network that includes:

- a projection system including a projector wireless transceiver and a controller; and
- a first data appliance including a first wireless transceiver, wherein:
  - the first wireless transceiver transfers graphical data over the common-protocol wireless network to the projector wireless transceiver;
  - the projection system displays the graphical data; and
  - the transfer and the display of the graphical data is controlled by the controller using first control data, the first control data being transferred over the common-protocol wireless network.

Independent claim 10 recites a communications and data display system for use on a common-protocol wireless network that includes:

- a projection system including a projector wireless receiver and a controller; and
- a first data appliance including a first wireless transmitter, wherein:
  - the first wireless transmitter transfers graphical data over the common-protocol wireless network to the projector wireless receiver;
  - the projection system displays the graphical data; and

Atty. Dkt.: 073169-0261847

the transfer and the display of the graphical data is controlled by the controller using control data, the control data being transferred over the common-protocol wireless network.

Independent claim 14 recites a method for communication and data display over a common-protocol wireless network, that includes:

transmitting graphical data over the common-protocol wireless network from a first wireless transceiver of a first data appliance to a projector wireless transceiver of a projection system;  
displaying the graphical data with the projection system; and  
controlling the transmitting of the graphical data and the displaying of the graphical data with a controller using first control data, the first control data being transferred over the common-protocol wireless network.

Nowhere does the combination of Flohr and Narayanaswami teach or suggest the communication and data display system and method containing the common-protocol wireless network that is used to transmit both graphical data and control data between a first wireless appliance to a wireless projection system as required by amended independent claims 1, 10 and 14.

In Flohr, the wired RF videoconference system uses two Local Area Networks (LANs) to ensure sufficient data rates. One LAN, the A-LAN, is used "for transmitting and receiving data signals between selected ones of the workstations" (Flohr, Abstract). The second LAN, the B-LAN, is a broadband LAN "connected to a second port ... for transmitting and receiving television signals" (Flohr, Abstract). Nowhere does Flohr teach or suggest using a common-protocol wireless network for transmitting both control data and video data.

In fact, Flohr teaches away from using a common-protocol wireless network as required by the multi-user meeting system of the present invention. Flohr, in the section labeled "Summary of the Invention", enumerates many objects of the disclosed videoconference system using the two-LAN configuration. Additionally, Flohr asserts that "these 'signalling [sic] messages' are transmitted separately from the television signals on the so-called 'A-LAN'" (Flohr, col. 6., ll. 24-26). Further, Flohr describes the A-LAN as used "for transmitting and

Atty. Dkt.: 073169-0261847

receiving data signals" (Flohr, col. 8, ll. 50-51) and the B-LAN as used "for transmitting and receiving television signals" (Flohr, col. 8, ll. 56-57). Figure 1 of Flohr shows the CATV Cable 18 and the separate LAN Cable 16. As is known in the art, the protocols used for television signals (e.g., NTSC, VGA, CATV, SECAM, PAL, etc.) are different than the protocols used for computer data signals. Thus, Flohr teaches away from using a common-protocol wireless network for transmitting both control data and video data.

In contrast, Applicant's amended independent claims 1, 10 and 14 require that the control data and video data be transmitted between the wireless device and the wireless projection system over the common-protocol wireless network. Therefore, the combination of Narayanaswami and Flohr do not teach or suggest Applicant's invention.

For at least these reasons, Applicant requests the withdrawal and reconsideration of the claim rejections for amended independent claims 1, 10 and 14. Applicant respectfully submits that amended independent claims 1, 10 and 14 are in a condition for allowance, and respectfully requests a Notice to that effect.

#### Dependent Claims 2-9, 11-13 and 15-29

Dependent claims 2-9, 11-13 and 15-29 ultimately depend from one of amended independent claims 1, 10 or 14. The allowability of dependent claims 2-9, 11-13 and 15-29 thus follows from the allowability of amended independent claims 1, 10 or 14; as such, dependent claims 2-9, 11-13 and 15-29 are allowable over the art of record.

Specifically, Applicant's dependent claims add a second wireless appliance to the independent claims first wireless device and wireless projection system. The additional wireless device also receives/transmits control and data signals over the common-protocol wireless network. Nowhere does Flohr in combination with Narayanaswami teach or suggest multiple wireless devices communicating with a wireless projection system, and with each other, over the common-protocol wireless network.

Therefore, for at least these reasons, Applicant respectfully submits that dependent claims 2-9, 11-13 and 15-29 are in a condition for allowance, and respectfully request a Notice to that effect.

Atty. Dkt.: 073169-0261847

***New Claims***

Applicant adds new dependent claims 30-32. Nowhere does the combination of Flohr and Narayanaswami teach or suggest the communication and data display system and method containing the approximately 5 GHz common-protocol wireless network that is used to transmit both graphical data and control data between a first wireless appliance to a wireless projection system as required by dependent claims 30-32.


Therefore, Applicant respectfully submits that new dependent claims 30-32 are in a condition for allowance, and respectfully request a Notice to that effect.

***Conclusion***

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition of allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge fees that may be required relative to this application, or credit any overpayment, to our Account 03-3975, Order No. 073169-0261847 (ATH-019).

Respectfully submitted,  
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